

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1436 be amended to read as follows:

- 1           Page 3, after line17, begin a new paragraph and insert:  
2           "SECTION 5. IC 8-1-11.1-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In addition to  
4           the other executive departments of a consolidated city, there is hereby  
5           created in any such city a department of public utilities, which shall  
6           have as its head and be under the general supervision and control of a  
7           board of seven (7) members, to be known as the "Board of Directors  
8           for Utilities," to be appointed annually ~~by the board herein provided for~~  
9           ~~and designated as the~~ as follows:  
10           **(1) Three (3) members appointed by the mayor of the**  
11           **consolidated city.**  
12           **(2) Two (2) members appointed by the president or other**  
13           **presiding officer of the legislative body of the consolidated**  
14           **city.**  
15           **(3) Two (2) members appointed by the board of trustees for**  
16           **utilities established under this section.**  
17           **(b) There is established a board of trustees for utilities.** Said  
18           board of trustees for utilities shall consist of five (5) members.  
19           (c) All such trustees and all successors thereof shall hold over after  
20           the expiration of their terms until their respective successors have been  
21           duly appointed and have qualified.  
22           (d) At the expiration of the respective terms of each of the members

1 of the board of trustees, the said board of trustees shall nominate the  
 2 successors thereof to membership on such board, each of which  
 3 nominees shall be appointed by the mayor of the consolidated city  
 4 within ten (10) days after receiving such nominations, and such  
 5 succeeding members shall serve for a term of four (4) years. In the  
 6 event any person who has been appointed at any time as a member of  
 7 such board of trustees shall fail to qualify within ten (10) days after the  
 8 mailing to ~~him~~ **the person** of notice of ~~his~~ **the person's** appointment,  
 9 or if any member after qualifying shall die, resign, vacate such office  
 10 by becoming a nonresident of such city, or be removed as hereinafter  
 11 provided, new members of such board of trustees shall be chosen to fill  
 12 such vacancy in the same manner as is provided for the member as to  
 13 whom such vacancy occurs, and the member so chosen shall serve for  
 14 the remainder of the term for which the member whose place is so  
 15 filled was appointed.

16 (e) No person shall be appointed as trustee who is less than  
 17 thirty-five (35) years of age and who has not been a resident of such  
 18 city for at least five (5) years immediately preceding ~~his~~ **the person's**  
 19 appointment. If any such trustee shall cease to be a legal resident of said  
 20 city ~~his~~ **the person's** membership on said board shall thereby terminate  
 21 and become vacant.

22 (f) Each member of such board of trustees for utilities, before  
 23 entering upon ~~his~~ **the member's** duties, shall take and subscribe an  
 24 oath of office in the usual form, to be indorsed upon the certificate of  
 25 ~~his~~ **the member's** appointment, which shall be promptly filed with the  
 26 clerk of the city-county council.

27 (g) A majority of all the members of said board of trustees for  
 28 utilities shall be necessary to constitute a quorum.

29 (h) Said board of trustees shall elect one (1) member thereof as  
 30 president, one (1) as vice-president, and one (1) as secretary, who shall  
 31 serve from the date of their election until one (1) year from the first day  
 32 of January next following their election and until their successors are  
 33 elected and have qualified.

34 (i) Said board of trustees shall keep a record of their proceedings.  
 35 The expense of the meetings and proceedings of said board and of  
 36 keeping a record thereof and the salary of the members thereof shall be  
 37 paid upon a written request of the presiding officer and secretary  
 38 thereof by the board of directors for utilities out of the funds belonging  
 39 to said utility district. Each member of said board of trustees for utilities  
 40 shall receive as compensation for his services as such a salary in the  
 41 sum of fifty dollars (\$50) per year.

42 (j) The board of trustees for utilities shall meet annually on the first  
 43 Monday of December of each year, at the principal office of said  
 44 department of public utilities, for the purpose of transacting any  
 45 business pertaining to their duties, and for the purposes of electing

1 officers of such board of trustees. and of selecting and appointing  
 2 members of the board of directors for utilities ~~who as set forth in~~  
 3 **subsection (a)(3). A member of the board of directors for utilities**  
 4 shall serve for one (1) year from the first day of January following and  
 5 until their successors are appointed and qualified.

6 (k) All persons ~~so~~ selected and appointed as ~~such~~ directors and all  
 7 the successors ~~thereof~~ appointed at any time shall be ~~chosen by a~~  
 8 ~~majority vote of all the members of said board of trustees.~~ **appointed**  
 9 **by the appointing authority as set forth in subsection (a).** ~~Said~~  
 10 ~~board of trustees~~ **The appointing authority** shall have the power to  
 11 remove summarily and at any time any director and in such event, or if  
 12 a vacancy occurs in ~~said the~~ board of directors from any cause, ~~said~~  
 13 ~~board of trustees~~ **the appointing authority** shall appoint a successor  
 14 in like manner who shall serve for the balance of the term for which the  
 15 member whose place is so filled was appointed.

16 (l) No person shall be appointed a member of said board of directors  
 17 for utilities unless ~~he the person~~ is a bona fide resident of said city and  
 18 has been such for five (5) years immediately preceding such  
 19 appointment and is at least thirty-five (35) years of age. If any such  
 20 director shall cease to be a legal resident of said city during the term for  
 21 which ~~he the director~~ was appointed, ~~his the director's~~ membership  
 22 on such board shall thereby terminate and become vacant.

23 (m) Each member of said board of directors for utilities before  
 24 entering upon ~~his the member's~~ duties shall take and subscribe an  
 25 oath, to be indorsed upon the certificate of ~~his the member's~~  
 26 appointment, which shall be promptly filed with the clerk of the  
 27 city-county council.

28 (n) Each of said members of said board of directors, before entering  
 29 upon his duties, shall execute a bond payable to the State of Indiana,  
 30 with surety to be approved by the mayor of said city, in the penal sum  
 31 of fifteen thousand dollars (\$15,000), conditioned upon the faithful  
 32 performance of the duties of ~~his the member's~~ office and the  
 33 accounting for all moneys and property that may come into ~~his the~~  
 34 **member's** hands or under ~~his the member's~~ control. The cost of all  
 35 such bonds shall be paid by the department of public utilities of said  
 36 city.

37 (o) Any trustee may be removed from office for neglect of duty,  
 38 incompetency, disability to perform ~~his the trustee's~~ duties, or other  
 39 good cause, by an order and judgment of the circuit or superior court  
 40 of the county in which such city is located, in the following manner, to  
 41 wit: An original complaint may be filed by either the mayor, or by a  
 42 majority of the city-county council against any such trustee setting  
 43 forth the charges preferred, and the cause shall be placed on the  
 44 advanced calendar and be tried as other civil causes are tried, by the  
 45 court, without the intervention of a jury. If such charges be sustained,

1 the court shall declare such office vacant. The judgment of said court  
2 shall be final and no appeal shall lie therefrom by any party.

3 (p) Said board of trustees shall have power to adopt rules,  
4 regulations and by-laws for their own governance and may meet  
5 regularly or specially as often as necessary to transact any business or  
6 duties imposed upon them under this chapter or any other statute.

7 (q) In the event such city shall acquire in any manner herein  
8 provided more than one (1) such public utility and the property thereof,  
9 said board of trustees may add to such board of directors from time to  
10 time one (1) or more additional members, increasing such board to not  
11 exceed a total of eleven (11) members, which members shall be  
12 appointed and shall serve under all the provisions herein governing the  
13 appointment, terms and duties of such board of directors for utilities.

14 **SECTION 6. [EFFECTIVE UPON PASSAGE] Notwithstanding**  
15 **IC 8-1-11.1-1, as amended by this act, the term of a person**  
16 **appointed under IC 8-1-11.1-1 before the effective date of this**  
17 **SECTION does not expire. IC 8-1-11.1-1, as amended by this act,**  
18 **applies only to appointments made to the board of directors for**  
19 **utilities after the effective date of this SECTION.**

20 **SECTION 7. An emergency is declared for this act.**

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1436 as printed January 30, 2004.)

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Representative Crawford